

REMARKS

I. Status Summary

Claims 7-53, 55-61, and 63-140 are pending in the present application. Claims 19, 25-45, 56, 63-79, and 91-140 were previously withdrawn. Claims 7, 16, 17, 46, 58, 59, 61, and 80 have been amended. Claims 15, 18, 57, and 144 have been canceled. New claims 146 and 137 have been added. No new matter has been introduced by the present amendment. Reconsideration of the application as amended and based on the arguments set forth hereinbelow is respectfully requested.

II. Election/Restriction

The Examiner contended that claim 145 should be withdrawn because the claim requires a feature not found in the Figures 1-3 embodiment. Claim 145 is indicated as withdrawn in the above claim amendments section, and applicants reserve the right to file a divisional application for such subject matter.

III. Claim Rejections Under 35 U.S.C. § 102

Claims 7-17, 20-22, 24, 46-53, 55, 57-59, 61, 141, and 142 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0002872 to Dhuler (hereinafter, "Dhuler"). Further, claims 80-90 and 143 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0036132 to de los Santos (hereinafter, "de los Santos"). These rejections are respectfully traversed.

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Regarding claim 7, claim 18 stands objected to as being dependent upon a rejected based claim but would be allowed by the Examiner if rewritten in independent form to include all of the features of the base claim and any intervening claims. (See page 10, of the Official Action). Claim 18 depends from independent claim 7 and dependent claim 15. Independent claim 7 has been amended to include the features of claims 15 and 18. Therefore, applicants respectfully submit that the rejection of claim 7 under 35 U.S.C. § 102(b) should be withdrawn and the claim allowed.

Claims 8-14, 16, 17, 20-22, 24, and 141 depend from claim 7. Claim 7 is believed to be allowable for the reasons set forth above. Therefore, applicants respectfully submit that the rejection of dependent claims 8-14, 16, 17, 20-22, 24, and 141 under 35 U.S.C. § 102(b) should be withdrawn and the claims allowed.

Claim 15 has been canceled. Therefore, the rejection of claim 15 under 35 U.S.C. § 102(b) is moot and should be withdrawn.

Regarding claim 46, claim 60 stands objected to as being dependent upon a rejected based claim but would be allowed by the Examiner if rewritten in independent form to include all of the features of the base claim and any intervening claims. (See page 10, of the Official Action). Claim 60 depends from independent claim 46 and dependent claim 57. Independent claim 46 has been amended to include the features of claims 57 and 60. Therefore, applicants respectfully submit that the rejection of claim 46 under 35 U.S.C. § 102(b) should be withdrawn and the claim allowed.

Claims 47-53, 55, 58, 59, 61, and 142 depend from claim 46. Claim 46 is believed to be allowable for the reasons set forth above. Therefore, applicants

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respectfully submit that the rejection of dependent claims 47-53, 55, 58, 59, 61, and 142 under 35 U.S.C. § 102(b) should be withdrawn and the claims allowed.

Claim 57 was canceled. Therefore, the rejection of claim 57 under 35 U.S.C. § 102(b) is moot and should be withdrawn.

Regarding claim 80, claim 144 stands objected to as being dependent upon a rejected based claim but would be allowed by the Examiner if rewritten in independent form to include all of the features of the base claim and any intervening claims. (See page 10, of the Official Action). Claim 144 depends from independent claim 80. Independent claim 80 has been amended to include the features of claim 144. Therefore, applicants respectfully submit that the rejection of claim 80 under 35 U.S.C. § 102(e) should be withdrawn and the claim allowed.

Claims 81-90 and 143 depend from claim 80. Claim 80 is believed to be allowable for the reasons set forth above. Therefore, applicants respectfully submit that the rejection of dependent claims 81-90 and 143 under 35 U.S.C. § 102(e) should be withdrawn and the claims allowed.

IV. Allowable Subject Matter

The Examiner indicated that claims 18, 23, 60, and 144 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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As set forth above, claim 18 depends from independent claim 7 and dependent claim 15. Independent claim 7 has been amended to include the features of claims 15 and 18. Therefore, claim 7 and its dependent claims are believed to be allowable.

Regarding claim 23, claim 23 depends from independent claim 7 and dependent claims 8 and 20. New claim includes the features of claims 7, 8, 20, and 23. Therefore, applicants respectfully submit that claim 146 should be allowed.

Further, regarding claim 23, new claim 147 includes the features of claims 7, 20, and 23. Claim 147 does not include the features of claim 8, which recites “wherein the first and second actuation electrodes are composed of a material selected from the group consisting of metal, semi-metal, doped semiconductor, and combinations thereof”. Although new claim 147 does not include the features of claim 8, applicants believe that the claim is patentable because Dhuler and de los Santos, either alone or in combination, do not disclose or suggest the features recited by claim 147. For this reason, applicants respectfully submit that claim 147 should be allowed.

As set forth above, claim 60 depends from independent claim 46 and dependent claim 57. Independent claim 46 has been amended to include the features of claims 57 and 60. Therefore, claim 46 and its dependent claims are believed to be allowable.

As set forth above, claim 144 depends from independent claim 80. Independent claim 80 has been amended to include the features of claim 144. Therefore, claim 80 and its dependent claims are believed to be allowable.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

FEE DUE

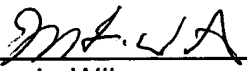
A check in the amount of \$260.00 is enclosed for the fee due. The Commissioner is authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426 to avoid the unintentional abandonment of the instant application.

Respectfully submitted,

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Date: June 9, 2006

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